

(45)

8-29-02

SC

IN the United States District Court
IN the Middle District of PENNSYLVANIA

MARK GARNES,
Plaintiff,

v.

Docket No. 00-CV-0700 (WWC)

JANET RENO, et al.,
Respondent.

Motion to Order
Prison Staff to
Permit Legal Idle

FILED
HARRISBURG, PA

AUG 27 2002

MARY E D'ANDREA, CLERK
Per Deputy Clerk

COMES NOW, MARK GARNES, plaintiff, pro se, hereby respectfully moves the Honorable Court for AND ORDER conditioning the Prison Staff to permit a legal idle from job assignment/program detail which will allow Plaintiff to complete litigation in the matter herewith, currently being appealed.

Submission of the held is due to Plaintiff incurring hindrances from transfers to placement in administrative segregation to placement on job assignments/program details which interfere with Plaintiff completing litigation. In that Plaintiff is being impeded due too litigious as prisoner.

Plaintiff makes this submission pursuant to 28 U.S.C. Sections 543.10 and 543.11. To which, the current facility has emphasized plaintiff's placement on assignment/detail shall incur without legal verification from the Honorable Court.

In which, Plaintiff request an Order permitting Plaintiff to remain unassigned or therewith a legal idle until the finality of judgment rendered from the United States Supreme Court or otherwise, relevant to litigation.

For the reasons set forth here held, Plaintiff request this matter is granted accordingly.

Respectfully submitted,
Mark D. Barnes

MARK GARNES

Reg. No. 24646-053

P.O. Box 1000-A1

FEDERAL CORRECTIONAL

Institution

Cumberland, Maryland

Q1501

Certificate of Service

I, Mark GARNES, Plaintiff, PROSE, hereby swear under penalty of perjury pursuant to 28 U.S.C. section 1746, that I have forward to the Clerk of the Court, Plaintiff's Motion to Order Prison Staff to Permit Legal Idle, the original with three copies with an additional copy forward to opposing party. Each being forward to the following addresses, respectively:

MAILED TO:

Clerk of the Court
United States District Court
Middle District of Pennsylvania
P.O. Box 983
228 Walnut Street
Harrisburg, Pa. 17108

Kate L. Mershimer, AVSA
United States Attorneys Office
Room 217, Federal Building
228 Walnut Street
Harrisburg, Pa. 17108

Mark GARNES

DATED: August 22nd, 2002
Cumberland, Maryland

MARK GARNES
Reg. No. 24646-053
P.O. Box 1000-A1
FEDERAL CORRECTIONAL
Institution
Cumberland, Maryland 21501

In the United States District Court
In the Middle District of Pennsylvania

MARK GARNES,
Plaintiff,

v.

00-CV-0700/02-1910

JANET RENO, et al.,
Respondent.

Affidavit

I, MARK GARNES, Plaintiff, pro se, hereby deposes
and say:

1. I was transferred from FCI Allenwood on or about April 13th, 2002, to USP Lewisburg, to which I was held on holdover status til April 18th, 2000, where I was transferred to FCI Fort Dix.
2. Upon Receipt at FCI Fort Dix, I request/inquired about property to be forward by FCI Allenwood, which had not been received by Fort Dix's

Receiving and Discharge. These Requests/Inquiries were continuous to no avail, from on or about April 25th, 2000, thereafter on subsequent occasions, upon transfer and receipt at FCI Elkton.

3. ON JUNE 29th, 2001, I WAS DETAINED IN ADMINISTRATIVE SEGREGATION THERE AT FCI FORT DIX FOR AN INVESTIGATION. I PRESUME THIS MATTER WAS CONDUCTED BY CAPTAIN MIORIANA, DUE TO MY CONSISTENT INQUIRIES REGARDING PROPERTY.
4. UPON TRANSFER TO FCI ELKTON, I CONTINUED INQUIRIES AS TO PROPERTY, REQUESTING COUNSELOR DEBORAH SMITH TELEPHONE FCI FORT DIX TO SEE WHETHER OR NOT PROPERTY WAS FORWARDED FROM FCI ALLENWOOD. IN ADDITION, REQUESTS TO SPECIAL INVESTIGATION SUPERVISOR ("SIS") PER COUNSELOR SMITH'S SUGGESTION. NO RESPONSES WERE AFFORDED, TO WHICH I WAS LABELLED BY MENTIONED STAFF HERE NOTED AS A "PEST" AND "NUISANCE." THAT I SHOULD FORGET ABOUT PROPERTY.
5. ON OR ABOUT FEBRUARY 20, 2002, I WAS PLACED IN ADMINISTRATIVE SEGREGATION FOR REFUSING AN ORDER, WHICH THE DISCIPLINARY HEARING OFFICER

SUSPENDED AFTER I EXPLAINED THESE ACTS WERE CONCOCTED DUE TO MY CONTINUOUS REQUESTS FOR PROPERTY INQUIRIES ~~to~~ STAFF. WHERE ASSISTANT WARDEN MONTALVO ORDERED MY DETAINMENT. I WAS RELEASED ON APRIL 3rd, 2002, RESULTING FROM ASSISTANT WARDEN MONTALVO NOT SHOWING AS WITNESS TO THE MATTER. I WAS GIVEN A UNIT CHANGE FROM UNIT BB.

6. I WAS SOON AFTER, ON JULY 16th, 2002 TRANSFERRED TO FCI CUMBERLAND, WHERE MY CUSTODY LEVEL WAS INCREASED FOR NO APPARENT REASON, JUSTIFIABLE, OTHER THAN MY CONTINUED FILING OF GRIEVANCES AND INQUIRIES, AS TO PROPERTY.
7. I WAS SUMMONED TO ATTEND SEMI-ANNUAL UNIT TEAM MEETING ON OR ABOUT JULY 2nd, 2002, THERE WAS NO MENTION, DOCUMENTATION AS TO TRANSFER THEREBY TEAM MEMBERS MR. WILZEAK (UNIT F) OR ACTING UNIT MANAGER MS. NEWLAND.
8. HERE NOW, I ENDEAVORED TO HAVE A JOB ASSIGNMENT THEREIN THE EDUCATION DEPARTMENT AS A LAW CLERK, APPROVED ON AUGUST 14th, 2002, THEREON AUGUST 16th, 2002, COUNSELOR SINES ADVISED ME THAT I WAS TO SEEK OTHER

· job assignment/detail. That Ms. Clifton, Supervisor of Education had phoned her, informing Ms. Sines I was not needed. On August 20th, 2002, I spoke with Ms. Clifton, whom confirmed I was not needed. However, Ms. Clifton noted Ms. Sines called her, not as Ms. Sines stated to me. To which, Ms. Clifton called her,

9. I have verbally requested for a legal idle as a result of this assignment shift which would have enabled me appropriate time to research, prepare, document my litigation for submission to the Court of Appeals.

I posit here Ms. Sines' actions derive from communication with previous prison staff as to Plaintiff's litigious efforts.

For the reasons set forth here, Plaintiff prays the Honorable Court shall grant the motion herewith accordingly.

Mark A. Darnes

MARK A. GARNES-PRO SE

Reg. No. 24646-053

P.O. Box 1000-A1

FEDERAL CORRECTIONAL

Institution

Cumberland, Maryland

21501

BP-S148.055 INMATE REQUEST TO STAFF CDFRM
SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>Ms. Clifton, Ed. Supervisor</i>	DATE: <i>8-12-02</i>
FROM: <i>MARK GARNES</i>	REGISTER NO.: <i>24646-053</i>
WORK ASSIGNMENT: <i>N/A</i>	UNIT: <i>A1</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

Request for assignment on your detail as clerk (Law Library).

Thank you.

(Do not write below this line)

DISPOSITION:

*OK to put on
Ed. detail for
Law Clerk
job
@ 12/2/02*

8-14-02

Signature Staff Member

Date

Record Copy - File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94